

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JUAN VALLADARES,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-09-1022-D
)	
DEBBIE L. MORTON,)	
)	
Respondent.)	

ORDER

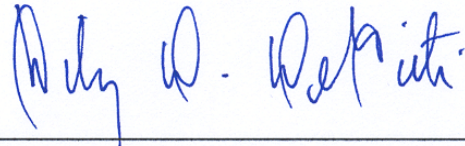
This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Robert E. Bacharach pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Bacharach recommends the denial of Respondent's Motion to Dismiss, which seeks dismissal for failure to exhaust state judicial remedies. However, Judge Bacharach recommends that the Petition for Writ of Habeas Corpus be denied on the merits because Petitioner's claims regarding prison disciplinary proceedings do not provide a basis for habeas relief.¹

Upon review of the file, the Court finds no timely objection to the Report nor request for additional time to object. The Court further finds that Petitioner has waived further review of all issues due to his failure to object. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). For this reason, and the reasons fully explained by Judge Bacharach, the Court finds Petitioner is not entitled to habeas relief on the claims asserted and the Petition should be denied on the merits.

¹ Petitioner used a form of petition under 28 U.S.C. § 2254. However, because Petitioner seeks relief from prison discipline, Judge Bacharach properly analyzed his claims under 28 U.S.C. § 2241.

IT IS THEREFORE ORDERED that the Court adopts the Report and Recommendation [Doc. No. 14] in its entirety. Respondent's Motion to Dismiss [Doc. No. 8] is DENIED, but the Petition for Writ of Habeas Corpus [Doc. No. 1] is DENIED for lack of merit. Judgment shall be entered accordingly.

IT IS SO ORDERED this 22nd day of January, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE